

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 911

Introduced by Assembly Member Ma

February 17, 2011

An act to amend ~~Section 20070~~ *Sections 20070 and 20081* of, and to add Sections 20070.4, 20070.5, ~~20070.6~~, and 20082 to, the Health and Safety Code, relating to police protection districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 911, as amended, Ma. Police protection districts.

Existing law provided, until October 1, 1959, for the formation and administration of police protection districts in unincorporated towns, and provides for the continuation of police protection districts formed prior to that date. Existing law provides that a police protection district is to be governed by a district board consisting of 3 elected commissioners. Existing law further provides that a police protection district's police department, its chief of police, and its employees shall have all the rights, duties, privileges, immunities, obligations, and powers of a municipal police department.

This bill would grant police protection districts additional powers, including, but not limited to, the ability to adopt ordinances and resolutions, as specified. This bill would specify that a violation of any rule, regulation, or ordinance adopted by a board of ~~directors of a police protection district~~ *police commissioners* would be a misdemeanor. ~~By creating a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.

State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section ~~20071~~ 20070 of the Health and Safety
- 2 Code is amended to read:
- 3 ~~20071.~~
- 4 20070. A district formed under this division shall have, and
- 5 it may exercise, all the rights and powers, expressed and implied
- 6 by law, necessary to carry out the purposes and intent of this
- 7 division, including, but not limited to, the following powers:
- 8 (a) To adopt, by ordinance or resolution, and enforce ~~all~~ rules
- 9 and regulations *necessary* for the administration, operation, use,
- 10 and maintenance of the facilities and services of the district.
- 11 *Ordinances and resolutions adopted by the district shall be limited*
- 12 *to those authorized under this division or related to the following:*
- 13 (1) *The setting of all fees and charges for services provided by*
- 14 *the district.*
- 15 (2) *Regulation of tow trucks and towing firms operating in the*
- 16 *district.*
- 17 (3) *Regulation and administrative oversight of vehicles for hire,*
- 18 *including taxicabs, except where preempted by state or federal*
- 19 *law.*
- 20 (4) *The establishment and collection of emergency response*
- 21 *cost recovery fees.*
- 22 (b) To adopt ordinances following the procedures set forth in
- 23 Article 7 (commencing with Section 25120) of Chapter 1 of Part
- 24 2 of Division 2 of Title 3 of the Government Code.
- 25 ~~(e) To sue and be sued in its own name.~~
- 26 ~~(d) To engage counsel and other professional services.~~
- 27 ~~(e)~~
- 28 (c) To adopt a seal and alter it.

1 ~~(g) To enter joint powers agreements pursuant to the Joint~~
2 ~~Exercise of Powers Act, Chapter 5 (commencing with Section~~
3 ~~6500) of Division 7 of Title 1 of the Government Code.~~

4 ~~(g)~~

5 (d) To provide insurance pursuant to Part 6 (commencing with
6 Section 989) of Division 3.6 of Title 1 of the Government Code.

7 ~~(h) To take any and all actions necessary for, or incidental to,~~
8 ~~the powers expressed or implied by this division.~~

9 (i)

10 (e) To regulate vehicles for hire, as provided in Section ~~5307.5~~
11 ~~53075.5~~ of the Government Code, except vehicles for hire that are
12 licensed or permitted by, and under the jurisdiction of, the Public
13 Utilities Commission.

14 SEC. 2. Section 20070.4 is added to the Health and Safety
15 Code, to read:

16 20070.4. A district may destroy a record pursuant to Chapter
17 7 (commencing with Section 60200) of Division 1 of Title 6 of
18 the Government Code.

19 SEC. 3. Section 20070.5 is added to the Health and Safety
20 Code, to read:

21 20070.5. (a) Violation of any rule, regulation, or ordinance
22 adopted by a district board is a misdemeanor punishable pursuant
23 to Section 19 of the Penal Code.

24 (b) Any citation issued by a district employee for violation of
25 a rule, regulation, or ordinance adopted by a district board may be
26 processed as an infraction pursuant to subdivision (d) of Section
27 17 of the Penal Code.

28 (c) To protect property and to preserve the peace at facilities
29 owned, managed, or operated by, or under the control of, a district,
30 a district board may by ordinance or resolution confer upon
31 designated uniformed district employees the power to issue
32 citations for misdemeanor and infraction violations of state law,
33 city or county ordinances, or district rules, regulations, or
34 ordinances when the violation is committed within or upon a
35 district facility and in the presence of the employee issuing the
36 citation. District employees shall issue citations pursuant to Chapter
37 5C (commencing with Section 853.5) of Title 3 of Part 2 of the
38 Penal Code and Chapter 2 (commencing with Section 40300) of
39 Division 17 of the Vehicle Code.

1 ~~SEC. 4. Section 20070.6 is added to the Health and Safety~~
2 ~~Code, to read:~~

3 ~~20070.6. (a) A district may request an inspection warrant~~
4 ~~pursuant to Title 13 (commencing with Section 1822.50) of Part~~
5 ~~3 of the Code of Civil Procedure. The warrant shall state the~~
6 ~~location that it covers and shall state its purposes. A warrant may~~
7 ~~authorize district employees to enter property only to do one or~~
8 ~~more of the following:~~

9 ~~(1) Inspect to determine the presence of public nuisances that~~
10 ~~the district has the authority to abate.~~

11 ~~(2) Abate public nuisances, either directly or by giving notice~~
12 ~~to the property owner to abate the public nuisance.~~

13 ~~(3) Determine if a notice to abate a public nuisance has been~~
14 ~~complied with.~~

15 ~~(b) Where there is no reasonable expectation of privacy and~~
16 ~~subject to the limitations of the United States Constitution and the~~
17 ~~California Constitution, employees of a district may enter any~~
18 ~~property within the district for any of the following purposes:~~

19 ~~(1) Inspect the property to determine the presence of public~~
20 ~~nuisances that the district has the authority to abate.~~

21 ~~(2) Abate public nuisances, either directly or by giving notice~~
22 ~~to the property owner to abate the public nuisance.~~

23 ~~(3) Determine if a notice to abate a public nuisance has been~~
24 ~~complied with.~~

25 ~~SEC. 4. Section 20081 of the Health and Safety Code is~~
26 ~~amended to read:~~

27 ~~20081. In addition to the duties specified in this chapter, the~~
28 ~~district board shall perform such other duties as are proper and~~
29 ~~necessary to carry out this part have the power to take any and all~~
30 ~~actions necessary for, or incidental to, the powers expressed or~~
31 ~~implied by this division.~~

32 ~~SEC. 5. Section 20082 is added to the Health and Safety Code,~~
33 ~~to read:~~

34 ~~20082. This article shall be liberally construed to effectuate its~~
35 ~~purposes.~~

36 ~~SEC. 6. No reimbursement is required by this act pursuant to~~
37 ~~Section 6 of Article XIII B of the California Constitution because~~
38 ~~the only costs that may be incurred by a local agency or school~~
39 ~~district will be incurred because this act creates a new crime or~~
40 ~~infraction, eliminates a crime or infraction, or changes the penalty~~

1 ~~for a crime or infraction, within the meaning of Section 17556 of~~
2 ~~the Government Code, or changes the definition of a crime within~~
3 ~~the meaning of Section 6 of Article XIII B of the California~~
4 ~~Constitution.~~

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